

Black Rock Sept. 20th 1837.

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Dear Sir,

I had hoped to hear from you before this, on the subject of the black fugitives, of whom my friend, Mr. Castlemann, has been in pursuit.

On the 14. 15. & 16th instant Mr. C. was at Lewiston expecting to meet you at some place on this side of the river; and waiting also, with his two officers, the arrival of the man Solomon, whom the Sheriff had advised him he would surrender on board the Steam Boat at that place on the fifteenth.

On the 16th however he received a communication from the Sheriff ^{unpleasant} informing him of the rescue of that prisoner, & the ~~strange~~ ^{unpleasant} circumstances attending it. Feeling anxious to get home after a journey which had already been unexpectedly protracted, and seeing no prospect of speedily effecting the object which brought him here, he left this place on the 17th for Kentucky - at the same time requesting Mr. Kelley to write to you & the Sheriff, advising you of his departure, & desiring you to inform me, from time to time of the situation & probable result of his matters in Canada, about which he & his neighbours in Kentucky feel much solicited.

As regards the value of the three negroes (supposing them to be slaves) or of the plunder they took with them, it is of but trifling moment - But the whole transaction, viewed in its various aspects & consequences, involves consideration of immense importance to our slaveholding States, and, in my humble opinion, not less important to the peace & security of Canada itself. I beg leave therefore to present a few reflections on the subject - by no means with a view of having them made public, although I should have no objection to their being read by your worthy Attorney General.

Mr. Castlemann showed me the copy
of

* Your criminal law is, in many respects, more severe than ours; But you would deem it a poor apology in our officers to refuse to deliver up a felon on the ground that he would be punished more severely than our laws, as their own moral sense would justify.

COLLECTION
PETER A. PORTER

of the opinion given to the Governor by his Executive Council in the case of the prisoner confined at Hamilton, which I confess I read with some surprise as well as regret. It is certainly a well written document, & does credit to the philanthropy of its authors; but it encourages, if it does not positively uphold, doctrines principles which as jurists & states men / see that was the character in which their opinion & advice to the Governor were given / they will find it inexpedient, if not wholly impracticable, to carry out.

It seems that our two Governments have agreed, as a matter of mutual safety & convenience, to deliver up to each other, all such persons as commit felonies in the territories of one & seek refuge in those of the other - and the practical mode of carrying this arrangement into effect on your part, is indicated in a Provincial Statute passed some years since, which I have read, but of which I regret that I have not at this time a copy. Although the power to surrender fugitives conferred on the Gov. & Council by this Statute is, if I recollect right, discretionary - yet this discretion was doubtless intended to apply to those circumstances only which have a direct relation to the alleged offence - such as the sufficiency or formality of the evidence adduced to sustain it - but could not surely be intended to confer on them an ad libitum authority to ^{decline the} execution of the law ~~in~~ in a case coming clearly within its scope & intent, merely because the laws of the country in which the crime was committed, do not, in some other respects than those to which the Statute relates, correspond with their notions of moral fitness & propriety. *

It is true that, in the above case, the Council predicate their advice to retain the prisoner at present, instead of delivering him up, principally on an alleged defect in the evidence of the felony, or rather on some informality in the ^{proof} of proof - which I understand has been since supplied by Mr. Carsteman. But it is obvious, from the whole

whole tenor of their remarks, that their opinion was, more or less, biased by the assumed fact that the prisoner was a slave and would, if delivered up, be returned to that condition. I 13

I suspect the members of the Council for their humanity. I am as much opposed to slavery in the abstract, as they are. But this is a subject which cannot be safely disposed of, by the summary application of general principles; and I apprehend that if the Canadian government undertakes to practice upon the principle of receiving & protecting run-away slaves, whether felons or not, it will unavoidably lead to consequences, which it is equally the interest & the policy, of both governments to avert.

The inhabitants of our northern States have as strong an aversion to slavery as the people of England, or Canada, and have long since (as the small ^{portion of} ~~number of~~ the coloured population among them enabled them to do with safety) abolished it. But it is otherwise with the people of the Southern & Western States — some of whom believe in its justice and propriety, but all in the utter impracticability of a general emancipation, without producing a state of society in which it would be impossible to sustain a moral & wholesome government.

You know something of the frivolous, improvident, reckless, & in extremities, desperate character of the African race. If you do not, the good people of your Province soon in a fair way to become thoroughly & experimentally acquainted with it. The free negroes of the United States are decidedly, as a body, the most licentious, turbulent & worthless part of our population, and we are making, as you must have perceived, great efforts, at great expense, to remove them back to Africa, & provide for them all the advantages of freedom that they are capable of enjoying. But the owner of slaves in the Southern States, however desirous he may be to emancipate them, dares not do so, but on the opposite condition of their removal from the country.

I was once the owner of some ^{twenty, or} five & twenty slaves, as part of the patrimonial estate of my wife, whom I married in Kentucky. We had no disposition to retain, much less sell them,

as slaves, & made an offer to all who chose to corroborate it,
to give them their freedom on condition of their going
to Liberia. We deemed it unkind to turn them loose
in Kentucky among their kindred, ^{& connexions} still in slavery—
Indeed we should have incurred severe & merited
severe censure in doing so. We could not bring
them to New York with the exception of those who were
born after a specified period, who might by a law
of this state be introduced & held by their masters in the
condition of indentured apprentices until they should
respectively arrive at the age of 28, when they were to be free.
Under this law we brought to Black Rock five or six young
negroes, who proved to be excellent servants, until they
were fastened upon by the corruptor & pick blacks
of Buffalo & Canada, who persuaded them, with the
exception of two only who served out their time, to flee
across the river. Several of them are now in Canada,
and have become as worthless, I fear as are most of
that species of population. I have never made any
efforts to recover them.

It would seem that your laws do not
permit you to deliver up slaves, on the ground that they are
such, who take refuge within your territories; nor even
to inhibit them from entering & becoming legal subjects
of her Majesty. Such being the case I confess I am not a
little surprised to find a disposition in any of your white
population to extend their immunities, by converting
the introduction even of felons, because they happen
to be slaves.

Slavery is not tolerated by the laws of any
your northern states, and yet we deliver up run away
slaves to their southern masters—not because we
believe slavery to be proper, but because we believe
that the sudden overthrow of that institution—imposed
upon us by our British masters—would produce
convulsions in their governments which would end
only in their ruin. We deem it best just to leave
to the discretion of those who have unfortunately been
saddled with the slavery, the time & manner in which
it shall be abolished. And it does appear to me
that, by the spirit & principles of international law,
there is

the case, I am not a little surprised to find a disposition in any of your white population to extend their immunities by counting the introduction even of felons, because they happen to be slaves. —

Slavery is not tolerated by the laws of any of our northern States; and yet we deliver up runaway slaves to their Southern masters — not because we approve of slavery, but because we believe that a sudden overthrow of this institution — entailed upon us by our British ancestors — would produce convulsions in their governments which would shake them to the foundation. We think it best ^{fair & right} to leave to the discretion of those who have thus unfortunately been saddled with slavery, the time & manner in which it shall be abolished. and it does appear to me that, by the principles & spirit of international law, there is a moral obligation resting on states occupying contiguous territory, so far at least to respect the institutions of their neighbors, as to extend to them the same courtesies which we do to our confederate states, in refusing to receive & protect their slave population.

I do not pretend that such has been, or is at present, the practical construction of the laws of nations on this particular point. — But I am entirely satisfied that some speedy arrangement to meet a state of events which seems rapidly approaching, will be indisparably necessary to the preservation of peace by a peaceful intercourse between the American States & the adjoining British provinces. I have a high opinion of the intelligence & vigour of your present Governor; and I doubt not but that he will foresee, & take every prudent precaution to guard against, the collusions I anticipate.

You know how sensitive our Southern & western brethren are on the subject of slavery, and of any interference, direct or indirect, with their ^{right} private regulate it, and if it be once understood that Canada is the open river & protector of runaway slaves, whether felons or not, it will produce a state of feeling, of not of action, which we cannot ^{too}

too strongly deprecate. On the other hand, I fully believe that
by the toleration of this practice your province would suffer
more than even the slave holding states, in the derangement
of the internal ^{home} economy of your government - for if
it were once understood among the black population
of the South that an escape to Canada would afford
~~them~~ ^{these} a safe asylum, you would soon be flooded
with a black population of the worst & most profligate
kind. The blessings of such a population you know
how to appreciate - Indeed you have had a foretaste
of them in the late bold & murderous riot at Niagara;
and you may from this, well imagine the excesses
to which these people will go, when they shall have
acquired a strength sufficient to compete with
^{the surrounding} your white population.

I have been induced to throw out the
preceding suggestions in consequence only of a strong
opinion that this slave question is destined to produce
at no distant period, serious difficulties between the
U. States & Canada, if prompt measures are not adopted
to prevent them. I have no personal interest in this subject,
beyond the fears (which the late & rapid increase in
influx of black population cannot fail to inspire)
that the borders of our beautiful river will soon
become the haunts of a banditti of negroes capable
of giving us great & continued annoyance. I may add
that if, in changing current of human events, this
great continent is to assume new political & local
divisions, I should regret being thrown into a section
of it cursed with a negro population.

I shall be happy to hear from you as soon
as you may find it convenient to write -

J. Boulton Esq.

Yours